

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

JAMES ALIFF and SAVANNAH DIANNE  
McNORRILL, on behalf of  
themselves and all others  
similarly situated,

Plaintiffs,

v.

RESURGENT CAPITAL SERVICES and  
LVNV FUNDING, LLC,

Defendants.

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CV 114-198

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On May 4, 2015, the Court stayed three cases on its docket pending the Eleventh Circuit Court of Appeals' decision in Johnson v. Midland Funding, LLC, No. 15-11240 (11th Cir. Mar. 24, 2015).<sup>1</sup> Upon review, the Court finds that a stay is equally appropriate in this matter. Indeed, as Defendants point out in brief (Doc. 49), Plaintiffs' argument that "acceptance" of payments on a time-barred debt constitutes a violation of the Fair Debt Collection Practices Act ("FDCPA") separate and apart from filing the related time-barred proof of claim is identical to that presented in McNorrill v. Asset Acceptance, LLC, No. 1:14-cv-210 (S.D. Ga. Nov. 7, 2014). Defendants similarly raise a statute of limitations defense.

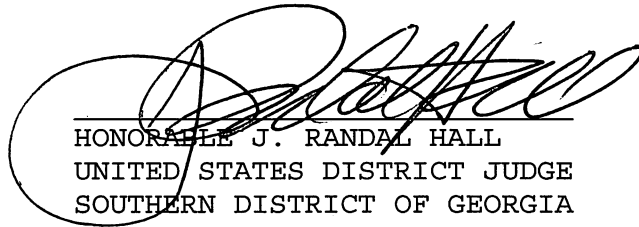
Nevertheless, the Court recognizes that the parties in this matter have not been afforded an opportunity to respond to the propriety of a

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<sup>1</sup> Ford v. Quantum3 Group, LLC et al., No. 1:15-cv-031, Doc. 7; McNorrill v. Asset Acceptance, LLC, No. 1:14-cv-210, Doc. 29; Willis v. Cavalry Investments, LLC et al., No. 1:14-cv-227, Doc. 34.

stay. For that reason, each party shall have **SEVEN DAYS** to file a response, if they wish, to the imposition of a stay. Failure to file a response within seven days shall indicate there is no opposition to the Court's proposed course of action.

**ORDER ENTERED** at Augusta, Georgia, this 5<sup>th</sup> day of May, 2015.



HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA